

In re Appln. of Tadao Yamaguchi
Application No. 09/770,383

REMARKS

In response to the Examiner's Action mailed March 27, 2002, Applicant amends his application and requests reconsideration. In this Amendment, claims 2, 20, and 21 are cancelled, leaving claims 1 and 3-19 pending.

In this Amendment, the two claims relating to a method are cancelled and, therefore, the title of the application is changed. Further, claim 14 is rewritten as a dependent claim, depending from claim 1. Thus, there are now pending two independent claims, claim 1 and claim 7.

In the Official Action, the Examiner made a three-way restriction requirement. The third leg of that restriction requirement is no longer pertinent because it pertained only to claims that are now cancelled. The first two parts of the restriction requirement indicated that there was a difference in the group of claims including claims 1-13 and 17-19 and the group including claims 14-16. There may have been an error in this distinction because the first group of claims was stated as relating to a motor housing whereas the second group of claims were asserted to relate to a motor. In fact, all of the claims are directed to a non-circular flat motor. Each of the claimed motors includes a housing. Therefore, to the extent an error might have been made in asserting that certain claims are directed to a housing whereas other claims are directed to a motor, the restriction requirement should be reconsidered and withdrawn.

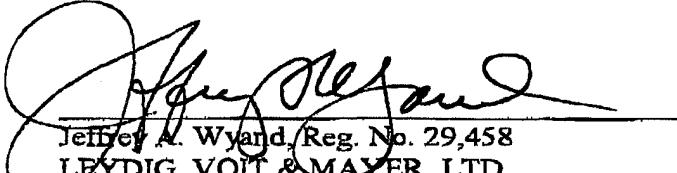
Assuming the restriction requirement merely included a typographical error by referring to a housing, the restriction requirement is no longer applicable. In the restriction requirement, it was conceded that independent claims 1 and 7 fell within the same group of claims. All claims now depend from either claim 1 or claim 7 and, therefore, all claims now pending fall within the same category and presumably the same class and sub-class. Therefore, upon reconsideration, the restriction requirement should be withdrawn.

If the Examiner insists that the restriction requirement is proper, then claims 1, 3-13, and 17-19 are elected for prosecution. This election is made with traverse because of the obvious close relationship of the claims, the amendment of the claims, and the fact that all claims now pending fall within the scope of a single claim group identified in the restriction requirement.

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Prompt and favorable examination of all of claims 1 and 2-19 is earnestly solicited.

Respectfully submitted,



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